

REMARKS

Claims 1-5, 10, 15-20 have been rejected under 35 USC § 103(a) as being unpatentable over a combination of three references of Papadopoulos, Lindner and Bronikowski (6,947,798).

The relied upon teachings of Bronikowski are not prior art to the present invention, and thus cannot be asserted under 103(a), either alone or in combination with other references.

In making the above rejection, the Examiner cites col. 2, lines 2-12 and lines 44-46, col. 3, lines 60-64 and col. 7, lines 1-65 of Bronikowski. This language however, is found only in the Bronikowski 6,947,798 patent which was filed October 18, 2002 more than a year after the filing date of the present invention. While Bronikowski is a continuation in part on an earlier application (6,477,435), the language cited by the Examiner is not present in this earlier application. As such, the language cited by the Examiner in Bronikowski dates only to a filing date of October 18, 2002, after the filing date of the present invention.

The Applicant does not believe the references, alone or in combination, fairly teach an industrial controller that serves over the Web the necessary tools needed to create or modify control programs that may then be operated on with the industrial controller. Nevertheless, in the interests of advancing the prosecution of the present application, the Applicant has made further amendments to the claims intended to improve their clarity by changing "application software" to --programming software--, as described in the application, for example at page 7, lines 18-27. Claim 1 has also been amended to clarify that the controller program is executed to control the industrial process and that the programming software may "modify" the controller program as also described at page 7, lines 18-27.

Response to Final Office Action dated July 27, 2006

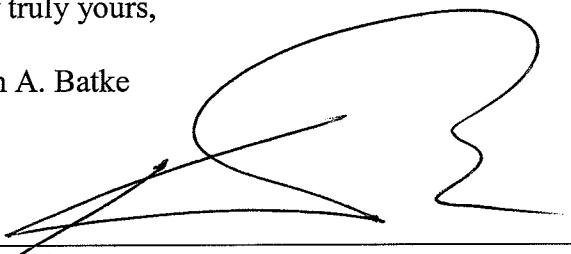
Serial No.: 09/967,124

Page 8 of 8

In light of these remarks and comments, it is believed that independent claims 1, 15, and 18 are now in condition for allowance, as well as those claims dependent on these claims, and therefore allowance of claims 1-20 is respectfully requested.

Very truly yours,

Brian A. Batke

By: 

Keith M. Baxter

Reg. No. 31,233

Attorney for Applicant

Boyle Fredrickson Newholm Stein & Gratz, S.C.

250 East Wisconsin Avenue, Suite 1030

Milwaukee, WI 53202